

CHAPTER XIII.

An Act Relating to Security for Costs, and for the Collection of Costs and Disbursements.

- SECTION** 1. Plaintiff to file cause of complaint with clerk.
 2. When stay of proceedings may be ordered.
 3. Disbursements and costs—how collected.
 4. Duties of clerk, sheriff or other officers.
 5. Repeal of former acts.
 6. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Whenever a civil action shall be commenced in any district court of this State in the name of any person as plaintiff who shall have been committed and is in execution for a crime, or wherein the plaintiff is a non-resident of this State, or wherein all of several plaintiffs are non-residents of this State, or in the name or behalf of any foreign corporation, it shall be the duty of any such plaintiff to cause his complaint in such action to be filed with the clerk of the court wherein such action is brought, before the service of the summons therein, and to file with said complaint a bond in the penal sum of seventy-five dollars, signed by one or more sureties, resident of this State, who shall justify, such justification to be in writing and entered upon such bond before the filing thereof, the bond to be payable to the clerk of such court, for the benefit of parties who may become entitled to disbursements or costs in such action, and be conditioned for the payment of all disbursements and costs that may be adjudged against the plaintiff in the action.

SEC. 2. That in case an action be commenced by any of the persons named in the first section of this act, or by any foreign corporation, without having filed the complaint and bond in said section provided, the court on motion of the clerk or defendant may order a stay of all proceedings in such action, require the giving of such bond, and in default thereof, order a dismissal of such action at the cost of the attorney commencing the same.

That if after the commencement of an action, all of the parties plaintiff therein shall become non-residents of this State, or the sureties to the bonds provided for in the first and third sections of this act, remove from this State or become insolvent, the defendant may on motion to and by order of the court, require an additional bond to be filed, payable and conditioned as provided in section one of this act, the sureties to which, shall justify before the filing thereof.

SEC. 3. That when judgment shall have been entered against any party for costs who has given security as provided for in the first and second sections of this act, and the disbursements and costs so adjudged against such party shall remain in whole or in part unpaid for ten days after the entry of judgment, such bond may be put in suit and prosecuted to final judgment and execution as in other cases.

SEC. 4. That the clerk, sheriff or other officer shall, without requiring the payment of the fees in advance, from time to time discharge and perform the duties and services pertaining to their respective offices, and the parties to the action requiring the performance of such services shall be personally liable to such officer for his legal fees and charges therein; and the clerk of such court may at any time issue execution against the party so liable for all disbursements and costs so due any such officer from such party and remaining unpaid. That such writ of execution, with the legal fees for its issuance and service may be enforced in like manner as other executions upon judgments for the recovery of money are authorized by law to be enforced.

SEC. 5. That sections twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, and thirty-seven of chapter sixty-two of the public statutes, and all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

SEC. 6. This act to take effect and be in force within thirty days from the passage thereof.

Approved February 24th, 1862.

Disbursements
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collected

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Repeal of former
acts